IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7555 of 2003

Between:

Mr.Rawf Enterprises, rep. By its Partner, Sri M.A.Rawf, S/o Md. Ibrahim,

Office at 19-1-1097/1, Bahadurpura, Hyderabad.

..... PETITIONER

AND

1) The Union of India represented by its Secretary, Ministry of Law,

Shastri Bhavan, R.P.Road, New Delhi.

2) The Registrar, A.P.Mutually Aided Co-operative Societies, Government of A.P., Hyderabad.

3) M/s The Prudential Co-operative Bank Limited (Registered under A.P.Mutually aided Co-operative Societies Act, 1995) Rep. By its Assistant General Manager, R.P.Road Branch, 8-1-381, R.P.Road, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate Writ or direction quashing the notification dated 28.01.2003 issued by the 1st respondent herein consequently strike down the securitisation and reconstruction of financial assets and enforcement of Security Interest Act, 2002 and further set aside the notice, issued by the 3rd

respondent in Ref.No.PCB/RP/AR/ESI/2/2002-2003 dated 17-2-2003 and pass such other order or orders in the interests of justice.

For the Petitioner : MR.A.NARASIMHA REDDY, Advocate

For the Respondent No.1: MR.M.RATNA REDDY (ADDL.S.C FOR C.G)

For the respondent No.3 : Mr.S.Ashok Anand Kumar, advocate

The Court Made the Following O R D E R ::

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

_____

DEVINDER GUPTA, CJ

_____

G.ROHINI, J

17th June, 2004.

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1) The Secretary, Ministry of Law, Union of India, Shastri Bhavan, R.P.Road, New Delhi.

2. 2CD copies